UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Thomas A. Minke,
Holly A. Minke,

Debtors.

Case No.: 16-43238
Chapter 7

NOTICE OF HEARING AND MOTION TO AUTHORIZE RULE 2004 EXAMINATION

Erik A. Ahlgren (the "Trustee") moves the court for the relief requested below and gives notice of hearing.

NOTICE OF HEARING

1. The court will hold a hearing on this motion at 9:30 a.m. on January 25, 2017, Courtroom 8 West, U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota, or as soon thereafter as counsel may be heard.

2. Any response to this motion must be filed and served by delivery or mail not later than January 20, 2017, which is five days before the time set for the hearing (including Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

MOTION

3. The petition commencing this chapter 7 case was filed on November 1, 2016. The case is now pending in this court. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Fed. R. Bank. P. 5005 and Local Rule 1070-1. This motion arises under Bankruptcy Rule 2004. This proceeding is a core proceeding.

4. The Trustee moves this court for authorization to conduct a Bankruptcy Rule 2004 examination of a representative of:

a. Stellis Health, P.A., 1700 Highway 25 North, Buffalo, MN 55313;
b. Stellis Health Building Partnership, L.L.P., 1700 Highway 25 North, Buffalo, MN 55313;
c. Monticello Surgery Center, LLC, 1013 Hart Boulevard, Monticello, MN 55362; and
d. Stellis Health Investments, LLC, 1700 Highway 25 North, Buffalo, MN 55313.

Based on the bankruptcy schedules, the Debtor Thomas A. Minke has an ownership interest in the entities described in a, b and c above. Stellis Health Investments, LLC has a similar name and the same address as address as the entities described in a, b and c above and was created on May 3, 2016. Based on the foregoing, all of the above entities are expected to have information that will assist the Trustee in identifying assets of the bankruptcy estate.

5. In addition to an oral exam, the Trustee intends to request the following information, which is required for the Trustee to complete his investigation of the Debtor's bankruptcy estate and its assets, including:

a. Documentation evidencing the Debtor's historical and current ownership of each entity;

b. Organization documents such as partnership or operating agreements and control agreements evidencing the rights and obligations of the owners of each entity;

c. Financial statements such as income statements and balance sheets covering the most recent period as well as the last three years;

d. State and federal tax returns for 2014, 2015 and 2016;

e. Documentation of all compensation or distributions of any kind paid or payable to the Debtors, including but not limited to a date of filing account statement for wages, distributions, or deferred compensation plans; and

f. Documentation for contributions to 401K plans for 2016 along with an explanation for contributions made in 2015 and any adjustments relating to 2015 contributuions.

6. The purpose of the requested examination is for discovery and the identification of areas of inquiry is intended to be as broad as allowed under the Federal Rules of Bankruptcy Procedure. The identification of areas of inquiry is not intended to limit the scope of the inquiry.

WHEREFORE, the Trustee requests that the court enter an order approving the Trustee's examination, including the request for the production of documents, pursuant to Bankruptcy Rule 2004, of the above referenced entities.

Ahlgren Law Office, PLLC

Dated: January 6, 2017

/e/Erik A. Ahlgren
Attorney #191814
220 West Washington Ave, Ste 105
Fergus Falls, MN 56537
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ATTORNEY FOR TRUSTEE

Verification.

I, Erik A. Ahlgren, the moving party named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: January 6, 2017 Signed: /e/ Erik A. Ahlgren

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ORDER AUTHORIZING RULE 2004 EXAMINATIONS

This case came before the Court upon the motion of Trustee, Erik A. Ahlgren, for an order authorizing the Rule 2004 examinations. Based upon the motion and the record herein:

IT IS HEREBY ORDERED:

Counsel for the trustee is authorized to examine and to obtain the production of documents in connection with the examination of

a. Stellis Health, P.A., 1700 Highway 25 North, Buffalo, MN 55313;
b. Stellis Health Building Partnership, L.L.P., 1700 Highway 25 North, Buffalo, MN 55313;
c. Monticello Surgery Center, LLC, 1013 Hart Boulevard, Monticello, MN 55362; and
d. Stellis Health Investments, LLC, 1700 Highway 25 North, Buffalo, MN 55313.

To give notice of the date and time of the examination, and to compel the attendance of the examinee and the production of documents in connection with the examinations, counsel for the trustee shall comply with Loc. R. Bankr. P. (D. Minn.) 2004-1(b).

Dated: BY THE COURT:

____
Kathleen H. Sanberg
Chief United States Bankruptcy Judge

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UNSWORN CERTIFICATE OF SERVICE

I, Lisa Ahlgren, declare under penalty of perjury that on January 6, 2017 she caused to be served the following documents via the CM/ECF system to those parties requesting electronic notification.

1. Notice of Motion and Motion for Authorization to Conduct a 2004 Exam
2. Proposed Order

By U.S. Mail to:

Stellis Health, P.A., 1700 Highway 25 North Buffalo, MN 55313	Stellis Health Building Partnership, L.L.P. 1700 Highway 25 North, Buffalo, MN 55313	Monticello Surgery Center, LLC 1013 Hart Boulevard, Monticello, MN 55362
Stellis Health Investments, LLC, 1700 Highway 25 North Buffalo, MN 55313		

Dated: January 6, 2017

Signed: /e/Lisa Ahlgren
Lisa Ahlgren
220 W. Washington Ave, Ste 105
Fergus Falls, MN 56537